

A G E N D A

Welcome and Call to Order by Mayor O. Stanhope Anthony III

~ Invocation ~

~ Pledge of Allegiance ~

A. Approval of agenda:

Discussion and revision of the proposed agenda, including consent agenda; adoption of an agenda

- 1) **Motion to adopt the agenda as proposed or amended**
(Show of hands) **1**
-

Special Order of Business – 2019 Organizational Meeting

- B. Recognition of Ricardo (Dicky) Amaya for his service to the City of Shelby: Resolution No. 73-2019** **1**

C. Assumption of Office: **3**

- 1) **Oath of Office administered to Mayor Oliver Stanhope Anthony III** **4**

- 2) **Oath of Office administered to Council Member David Walton White, Ward 2** **5**

- 3) **Oath of Office administered to Council Member David Harold Causby, Ward 3** **6**

- 4) **Oath of Office administered to Council Member Charles Leon Webber, Ward 5** **7**

- 5) **Oath of Office administered to Council Member Andrew Leonard Hopper, Sr., Ward 6** **8**

D. Election of Mayor Pro Tempore **9**

E. Consent Agenda:

Prior to approval and adoption of the agenda, a Council Member may move an item from the Consent Agenda to the regular agenda. Items remaining on the Consent Agenda will be considered collectively through a single motion and vote.

- 1) Approval of the Minutes of the Regular Meeting of November 18, 2019 10
- 2) Approval of Special Event Permit Applications: 22
 - a. Atrium Health Family Holiday Celebration, requested date: December 12, 2019 24
 - b. Shelby Christmas Parade, requested date: December 15, 2019 29

F. Unfinished Business:

- 1) Consideration of Council liaison appointments to City advisory boards 36

G. New Business: None 39

H. City Manager's Report 39

I. Council Announcements and Remarks 39

J. Adjournment:

To adjourn a meeting of City Council, a majority of the Council members must vote for a motion to adjourn.

- 1) Motion to adjourn 39

City of Shelby
Agenda Item Summary
December 2, 2019
City Hall Council Chamber

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

Discussion and revision of the proposed agenda, including consent agenda; adoption of an agenda

Special Order of Business – 2019 Organizational Meeting

- B. Recognition of Ricardo (Dicky) Amaya for his service to the City of Shelby: Resolution No. 73-2019

Agenda Item: (Staff Resource, Stan Anthony, Mayor)

Summary of Available Information:

- Resolution No. 73-2019

City Manager's Recommendation / Comments

This time is scheduled on your agenda for the Mayor to present Resolution No. 73-2019 to outgoing Council Member Ricardo (Dicky) Amaya for his service to the City of Shelby. Resolution No. 73-2019 recognizes him for having served the City faithfully as an elected member of the governing body.

Mr. Amaya has been a faithful servant of the people for many years always doing his best to represent the views of everyday folks. There is certainly something to be said for a voice representing the views of our diverse population. I thank him for his support of me and staff over these past several years.

RESOLUTION NO. 73-2019

A RESOLUTION HONORING RICARDO (DICKY) AMAYA
FOR HIS SERVICE TO THE CITY OF SHELBY

WHEREAS, on the occasion of his retirement from Shelby City Council it is fitting and proper to express appreciation to Dicky Amaya for his commitment and commendable public service to the City of Shelby, which began on December 1, 2003 through December 3, 2007; on December 5, 2011 through December 7, 2015; and on December 7, 2015 through December 2, 2019,

WHEREAS, Mr. Amaya made numerous contributions as a dedicated, effective member of City Council and as Mayor Pro Tempore from December 2, 2013 through December 7, 2015; and,

WHEREAS, while serving on City Council, Mr. Amaya participated in several endeavors which have benefited the City and will continue to do so in the future, including:

- ★ Expanding the City's Water, Sewer, Electric, and Natural Gas utilities infrastructure
- ★ Developing and promoting economic development incentives
- ★ Promoting and supporting the City's strategic growth planning efforts, which led to the Shelby-Cleveland County Regional Airport terminal building and T-Hangar Construction Projects, Shelby City Park Recreation and Sports Complex, Foothills Commerce Center, City Pavilion, First Broad River Trail, Shelby Police Department's new building and communications center, Uptown Shelby Infrastructure and Streetscaping Projects, Hanna Park, and First Broad River Water Treatment Plant and Wastewater Treatment Plant Upgrades thus setting the City's course for future progress
- ★ Representing the City through various appointments to boards and commissions including the Isothermal Planning and Development Board and the Gaston Cleveland Lincoln Metropolitan Planning Organization Board; and,

WHEREAS, Mr. Amaya's positive impact on the City will remain long after he leaves his seat on City Council; and,

WHEREAS, the City Council of the City of Shelby wishes to recognize and express its gratefulness to Mr. Amaya for his years as a faithful public servant to our citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The Mayor and City Council publicly express their sincere appreciation to Mr. Amaya for his exceptional public service to the City of Shelby.

Section 2. That this Resolution be spread upon the permanent Minutes of the City Council, and that an official copy of this resolution be presented to Mr. Amaya with thanks and gratitude.

Adopted and approved this 18th day of November 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

City of Shelby
Agenda Item Summary
December 2, 2019
City Hall Council Chamber

C. Assumption of Office:

- 1) Oath of Office administered to Mayor Oliver Stanhope Anthony, III
- 2) Oath of Office administered to Council Member
David Walton White, Ward 2
- 3) Oath of Office administered to Council Member
David Harold Causby, Ward 3
- 4) Oath of Office administered to Council Member
Charles Leon Webber, Ward 5
- 5) Oath of Office administered to Council Member
Andrew Leonard Hopper, Ward 6

Agenda Item: (Staff Resource, Bernadette Parduski, City Clerk)

Summary of Available Information:

- Copies of oaths to be administered

City Manager's Recommendation / Comments

At this time Mayor Anthony will recognize the City Clerk to conduct the administration of the Oath of Office to the members noted above. Upon completion of the oath of office the newly elected members will assume their seats and Mayor Anthony will preside for the remainder of the meeting.

In accordance with past practice and tradition the organizational meeting of the City Council is scheduled for this time on the agenda. Following the administering of the oaths of office a time is set aside for each of them to make any remarks they wish.

State of North Carolina
County of Cleveland
City of Shelby

OATH OF OFFICE

I, Oliver Stanhope Anthony III, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as Mayor of the City of Shelby, North Carolina, so help me God.

Oliver Stanhope Anthony III

Administered by:

**Honorable James W. Morgan
Retired Superior Court Judge
27B Judicial District**

Signed and sworn to before me this day by Oliver Stanhope Anthony III.

Date: December 2, 2019

**Bernadette A. Parduski, City Clerk
Notary Public**

State of North Carolina
County of Cleveland
City of Shelby

OATH OF OFFICE

I, **David Walton White**, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as a Member of the Shelby City Council of the City of Shelby, North Carolina, so help me God.

David Walton White

Administered by:

Bernadette A. Parduski
City Clerk

Signed and sworn to before me this day by David Walton White.

Date: December 2, 2019

Bernadette A. Parduski, City Clerk
Notary Public

State of North Carolina
County of Cleveland
City of Shelby

OATH OF OFFICE

I, David Harold Causby, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as a Member of the Shelby City Council of the City of Shelby, North Carolina, so help me God.

David Harold Causby

Administered by:

Bernadette A. Parduski
City Clerk

Signed and sworn to before me this day by David Harold Causby.

Date: December 2, 2019

Bernadette A. Parduski, City Clerk
Notary Public

**State of North Carolina
County of Cleveland
City of Shelby**

OATH OF OFFICE

I, Charles Leon Webber, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as a Member of the Shelby City Council of the City of Shelby, North Carolina, so help me God.

Charles Leon Webber

Administered by:

**Jeannette Reeves
District Court Judge
District 27B**

Signed and sworn to before me this day by Charles Leon Webber.

Date: December 2, 2019

**Bernadette A. Parduski, City Clerk
Notary Public**

State of North Carolina
County of Cleveland
City of Shelby

OATH OF OFFICE

I, Andrew Leonard Hopper, Sr., do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as a Member of the Shelby City Council of the City of Shelby, North Carolina, so help me God.

Andrew Leonard Hopper, Sr.

Administered by:

Honorable Jeannette Reeves
District Court Judge
District 27B

Signed and sworn to before me this day by Andrew Leonard Hopper, Sr.

Date: December 2, 2019

Bernadette A. Parduski, City Clerk
Notary Public

City of Shelby
Agenda Item Summary
December 2, 2019
City Hall Council Chamber

D. Election of Mayor Pro Tempore

City Manager's Recommendation / Comments

The election of the Mayor Pro Tempore will follow. The NC General Statute 160A-70 requires the election of this position from among the members of City Council. The statute is included below for your information.

§ 160A-70. Mayor pro tempore; disability of mayor.

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the pleasure of the council. A councilman serving as mayor pro tempore shall be entitled to vote on all matters and shall be considered a councilman for all purposes, including the determination of whether a quorum is present. During the absence of the mayor, the council may confer upon the mayor pro tempore any of the powers and duties of the mayor. If the mayor should become physically or mentally incapable of performing the duties of his office, the council may by unanimous vote declare that he is incapacitated and confer any of his powers and duties on the mayor pro tempore. Upon the mayor's declaration that he is no longer incapacitated, and with the concurrence of a majority of the council, the mayor shall resume the exercise of his powers and duties. In the event both the mayor and the mayor pro tempore are absent from a meeting, the council may elect from its members a temporary chairman to preside in such absence. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 4.)

City of Shelby
Agenda Item Summary
December 2, 2019
City Hall Council Chamber

Consent Agenda:

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Agenda Item: E-1

- 1) Approval of the Minutes of the Regular Meeting of November 18, 2019

(Consent Agenda Item, Staff Resource: Bernadette A. Parduski, City Clerk)

Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of November 18, 2019

City Manager's Recommendation / Comments

Approve the minutes as presented or as amended by the Mayor and City Council via the Consent Agenda.

MINUTES

Regular Meeting
City Hall Council Chamber

November 18, 2019
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David White, David Causby, Violet Arth Dukes, Charles Webber, and Dicky Amaya; City Manager Rick Howell, ICMA-CM, City Clerk Bernadette A. Parduski, City Attorney Robert W. (Bob) Yelton, Assistant City Manager/Director of Finance Justin S. Merritt, MPA, Director of Energy Services Julie R. McMurry, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Public Works Daniel C. (Danny) Darst, Jr., and Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Director of Cable Programming Greg Tillman of Cleveland Community College and The Video Factory

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. The Mayor gave the invocation and Mr. Causby led the *Pledge of Allegiance*.

A. Approval of agenda:

Mayor Anthony requested the addition of Item D-1 (c) under Public Hearings as follows:

- Consideration of a resolution approving the purchase of the property known as the rail corridor in Cleveland County, North Carolina pursuant to the Agreement of Purchase and Sale: Resolution No. 76-2019

1) Motion to adopt the proposed agenda

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve the agenda as amended.

B. Special Presentation:

- 1) Recognition of William Craig Earwood on the occasion of his retirement from employment with the City of Shelby: Resolution No. 63-2019

Mayor Anthony called upon Craig Earwood, who recognized his wife in

attendance. The Mayor formally read and presented framed Resolution No. 63-2019 to Sergeant Earwood. Mayor Anthony then presented a City lapel pin to him in honor of and with heartfelt appreciation for 29 years of dedicated service to the City of Shelby Police Department.

Sergeant Earwood was also conferred with the *Order of the Long Leaf Pine*, which is among the most prestigious awards presented by the North Carolina Office of the Governor. On behalf of Governor Roy Cooper, Mayor Anthony formally read and presented the commendation to Sergeant Earwood in recognition of his dedication and outstanding service as an exemplary employee of the State of North Carolina.

Humbled by the recognition, Sergeant Earwood expressed his appreciation to all.

C. Public Comment:

Liz Flowers who resides at 116 Belvedere Avenue in Shelby, North Carolina expressed her concerns about the speed of motorists who race down Belvedere Avenue. The posted speed limit is 35 mph. She and her neighbors are seeking remedies to slow down the speeders before a tragedy occurs. Miss Flowers intends to submit an application to the City's Speed Calming Initiative for consideration.

D. Public Hearings:

- 1) City of Shelby's proposed financing of the Rail Trail Corridor Purchase Project as authorized under North Carolina General Statute (NCGS) 160A-20

Mr. Howell stated this public hearing, together with Resolution No. 69-2019 and Resolution No. 70-2019, is scheduled as part of the required financing process under the terms of NCGS 160-20. A 10-day public notice has been published to make the public aware of the City's intent to borrow money to purchase the Norfolk Southern Rail Corridor.

Following the public hearing, City Council may consider the two action items:

- Resolution No. 69-2019 authorizes the Finance Director to file an application on behalf of the City with the North Carolina Local Government Commission (LGC) for approval of the project and the proposed financing contract. If approved, the Finance Director would prepare and submit this to the LGC for earliest possible consideration so that the City may close on this transaction within the time frame

spelled out in the current agreement with Norfolk Southern, which is no sooner than November 29, 2019 and no later than December 12, 2019.

- Resolution No. 70-2019 would approve a financing agreement pending approval of the North Carolina Local Government Commission between the City of Shelby and Fidelity Bank. The financing provides for the amount not to exceed \$5,500,000 at an interest rate not to exceed 2.0 percent for a term of 10 years.

Next, Mr. Merritt stated Council previously approved a financing agreement between the City of Shelby and Fidelity Bank for a lesser amount of \$1,340,000 at 1.89 percent for a term of 59 months. This resolution and contract would supersede that agreement. It is necessary to now enter into the revised contract to provide interim full financing until such a time as the City of Shelby receives reimbursement from North Carolina Department of Transportation in the amount of \$4,160,000. The City has been told that due to the current cash flow crunch it will be delayed to later in the calendar year 2020 before the grant reimbursement can take place. As part of the contract with Fidelity Bank, it is stated that upon receipt of the reimbursement, the City of Shelby will immediately pay down the full \$4,160,000 toward the loan amount.

Lastly, Mr. Merritt summarized the amended proposal outlined by Fidelity Bank as follows:

- The loan amount is not to exceed \$5,500,000.00.
- The interest rate is fixed at 2.00 percent tax exempt rate. The interest rate will revert back to the original tax-exempt rate of 1.89 percent after the NCDOT grant funds have been applied to the subject loan and term reverts back to 59 months.
- 119-month term – Ten regular principal and interest payments made annually in arrears. Estimated loan closing date. Loan interest start date is December 11, 2019. First annual principal and interest loan payment estimated to be due on 12/11/2020. Final principal and interest loan payment estimated to be due on November 11, 2029.
- Once NCDOT grant funds estimated in the amount of \$4,160,000.00 become available to the City, these grant funds will be applied to the subject Fidelity Bank loan in the form of a principal curtailment and then the original Request for Proposal awarded to Fidelity Bank will revert back to its original awarded rate/terms of a 1.89 percent tax exempt interest rate not to exceed a 59-month term with annual payments made in the arrears.

- The City may make prepayments and/or principal curtailments at any time without penalty from the Bank.

Mayor Anthony opened the public hearing at 6:17 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:18 p.m.

- a. Consideration of a resolution authorizing the filing of an application for approval of a financing agreement authorized by North Carolina General Statute 160A-20: Resolution No. 69-2019

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 69-2019 entitled, “A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20”.

- b. Consideration of a resolution approving a financing agreement authorized by North Carolina General Statute 160A-20: Resolution No. 70-2019

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 70-2019 entitled, “A RESOLUTION APPROVING A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20”.

- c. Consideration of a resolution approving the purchase of the property known as the rail corridor in Cleveland County, North Carolina pursuant to the Agreement of Purchase and Sale: Resolution No. 76-2019

Mr. Howell introduced Resolution No. 76-2019 for Council’s consideration and explained the item is not included within the public hearing notice. He referenced two documents, the Agreement of Purchase and Sale and the Assignment of Agreement of Purchase and Sale. The Agreement of Purchase and Sale was previously executed between Norfolk Southern Railway Company as the seller of the rail corridor and the Conservation Fund as the purchaser of this property pursuant to the National Trails Systems Act on behalf of the City of Shelby. This resolution will authorize staff to accept the Assignment of Agreement of Purchase and Sale in order that the City of Shelby can close on the property with Norfolk Southern Railway Company.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 76-2019 entitled, “A RESOLUTION APPROVING THE PURCHASE OF THE PROPERTY KNOWN AS THE RAIL CORRIDOR IN CLEVELAND COUNTY, NORTH CAROLINA PURSUANT TO THE AGREEMENT OF PURCHASE AND SALE”.

2) Consideration of a resolution granting an amendment to a Conditional Use District to Don Peeler Realty Inc. for 2100-2200 Joe’s Lake Road: Resolution No. 71-2019

Mayor Anthony opened the public hearing at 6:25 p.m. and sworn testimony was given as follows:

Mr. Scharer introduced the proposed amendment to a Conditional Use District, stating the applicant is proposing to include single-family dwellings as one of the permitted uses.

Utilizing both location and zoning maps of the area, Mr. Scharer pointed to the subject property along Joe’s Lake Road. The site was zoned Residential Office-Conditional Use (RO-CU) District for multi-family dwellings by the City in 2007. Mr. Scharer added this proposed amendment is consistent with the City’s Comprehensive Land Use Plan.

Mr. Scharer concluded by stating the Planning and Zoning Board recommended approval of the proposed amendment to a Conditional Use District for properties located at 2100-2200 Joe’s Lake Road for single-family dwellings.

Mayor Anthony closed the public hearing at 6:26 p.m.

Having heard all of the evidence and arguments presented at the hearing, Council finds and determines the application is complete. Council was presented with no evidence as to the following findings as read by Mayor Anthony:

- The development will not materially endanger the public health or safety
- The development will not substantially injure the value of adjoining or abutting property
- Will be in harmony with the area in which it is to be located
- Will be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by Council

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted

unanimously to approve and adopt Ordinance No. 71-2019 entitled, “A RESOLUTION GRANTING AN AMENDMENT TO A CONDITIONAL USE DISTRICT TO DON PEELER REALTY INC. FOR 2100-2200 JOE’S LAKE ROAD”.

3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 78-2019

Mr. Scharer introduced this proposed zoning map amendment for the property located at 1607 East Dixon Boulevard and East Main Street. The owner is Willie Green and the applicant is 5-Star Athlete Development LLC. Utilizing both location and zoning maps, Mr. Scharer pointed to and stated the subject property is zoned R10 Residential District and is currently undeveloped. The applicant wishes to construct multi-family housing units and has requested rezoning to R6 Residential District. The remaining zoning in the area includes GB General Business District, RO Residential Office District, and R10 Residential District.

Mr. Scharer further stated the Shelby Comprehensive Land Use Plan for this area designates the site as a Corridor Revitalization Area and the proposed amendment is consistent with the Plan. He added the Planning and Zoning Board recommended approval of the proposed zoning map amendment for property located at 1607 East Dixon Boulevard from Residential 10 (R10) zoning district to Residential 6-Conditional Use (R6-CU) zoning district.

Mayor Anthony opened the public hearing at 6:28 p.m. and invited comments from the public:

Stacy Heavner who resides at 1802 David Drive in Shelby, North Carolina volunteered to serve as group spokesman and to speak against the proposed zoning map amendment. Mr. Heavner, who does not live in the area considered for rezoning, stated he lives in an adjoining neighborhood off Country Club Road, and became sympathetic to the residents. Through his own research, he stated the applicant’s plans are not consistent with what the neighborhood is about. This is a well-established neighborhood which has historically held its property values and has a low crime rate. Many of the families living there are multi-generational. Adding multi-family housing units to the area would not only reduce property values but could bring criminal activity to an area where many families have been invested for generations. The construction would also bring issues of increased traffic, parking, water runoff, and flooding to the area. Mr. Heavner presented a petition of signatures from residents in the area who were against the rezoning.

Jim Myers who resides at 825 Cabaniss Drive in Shelby, North Carolina spoke

against the proposed zoning map amendment. Mr. Myers stated the zoning board has approved the change but all that means is it fits the City land use plan and meets the City's desire for housing on the land. Mr. Myers' issue is can this change bring affordable housing to his neighborhood and affect the future value of his property. The current owners of the community who bought property under the current zoning did not gamble when they bought the property. They bought into single-family housing. When Mr. Green bought his property, he did not buy property zoned for the proposed current intention, he gambled on a change. If it is built, Mr. Myers hopes Mr. Green will build it well and to the best quality and standards and not the cheapest bidder as his name and reputation in this community will be on it. If it is not built, Mr. Myers wished Mr. Green well in his next project and that it is understood that the process took its course.

Thomas Addis who resides at 1621 Mountain Lane in Shelby, North Carolina spoke against the proposed zoning map amendment. Mr. Addis addressed the impact of safety. Having lived in the neighborhood for more than 35 years, Mr. Addis stated the area along nearby Highway 74 has grown tremendously. Along with that growth came heavy traffic, speeding, failure to observe stop signs, and congestion into the area. Adding multi-family housing units will only increase the amount of traffic and the potential for more accidents.

Mayor Anthony closed the public hearing at 6:50 p.m.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted 5 (Hendrick, White, Causby, Arth Dukes, and Amaya) to 1 (Webber) to deny Ordinance No. 78-2019 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

Mayor Anthony declared a recess at 6:52 p.m. and reconvened the meeting at 6:54 p.m.

- 4) Consideration of a resolution granting a Special Use Permit to 5-Star Athlete Development, LLC at 1607 East Dixon Boulevard and East Main Street: Resolution No. 72-2019

THE PUBLIC HEARING WAS NOT HELD DUE TO THE FACT THE REZONING REQUEST WAS DENIED BY ORDINANCE NO. 78-2019.

E. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mr. White made a motion to approve the consent agenda. The consent agenda and

following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of November 4, 2019
- 2) Approval of Special Event Permit Application:
 - a. Uptown Shelby Carriage Rides, requested dates: November 29, December 6, December 13, and December 20, 2019
- 3) Approval of a resolution honoring Ricardo (Dicky) Amaya for his service to the City of Shelby: Resolution No. 73-2019
- 4) Adoption of an ordinance authorizing demolition of a dwelling (605 East Suttle Street): Ordinance No. 79-2019
- 5) Adoption of an ordinance authorizing demolition of a dwelling (414 Mint Street): Ordinance No. 80-2019

END CONSENT AGENDA

F. Unfinished Business:

- 1) Consideration of a resolution authorizing a contract with Republic Services of North Carolina, LLC (GDS) for the provision of curbside recycling services to the City of Shelby: Resolution No. 74-2019

Mr. Howell introduced Resolution No. 74-2019 for discussion purposes and Council's consideration. If approved, this resolution would allow for the execution of a one (1) year contract between the City and Republic Services for the continuation of the current curbside rollout single stream recycling program that has been in place since January 1, 2012.

Mr. Howell specified the proposed term of the agreement would be one (1) year at a monthly cost per customer of \$4.63 per month effective January 1, 2020. Collection would remain in sync with the current schedule, which mirrors City solid waste collection, of four days per week and every other week collection for customers. The stated costs includes Republic's full operational costs to service the contract but provides for an increase if Rutherford County's Transfer Facility fees increase during the contract year. Currently, Republic hauls collected recyclables to Rutherford County Transfer Facility and then to the Materials Recovery Facility in Conover.

Mr. Howell stated the City currently pays \$2.78 per customer so the increase proposed by Republic is substantial. They have justified the increase during

discussions, noting that their ability to do minimal sorting for international recycling markets has disappeared. The overseas market has tightened and these customers are demanding clean recyclables if they are taking them at all. Domestic customers continue to demand a clean stream. Recyclable sorting costs have skyrocketed as a result. There is intense labor involved in the sorting process and the cost of that labor has increased. After having multiple discussions with Republic over the past several months, I believe this one year extension is a reasonable approach although I do not believe their proposed pricing is reasonable or sustainable for the City. An extension would allow the City to further evaluate the service to determine its long term viability. During the year, if approved by City Council, the City would continue to carefully evaluate the level of contamination within the stream. From there, a plan to further educate customers about contamination would need to be developed and implemented. This plan could also contain punitive measures that could include fines and revocation of recycling carts.

The resolution was presented to allow Council to discuss the proposed fee by Republic and the merits of continuing the program or allowing it to expire. Discussion followed. Council took no action regarding Resolution No. 74-2019. By consensus, Council gave direction to staff to reevaluate and research recycling options to be reported at their annual retreat in early 2020. Lastly, Council encouraged residents to take their recyclables to the Cleveland County Recycling Centers.

- 2) Consideration of a resolution awarding the bid for design and construction of distribution lines and metering to serve the new WTP facility: Resolution No. 75-2019

Mr. Howell introduced Resolution No. 75-2019 for Council's consideration. If approved, this resolution would award a contract in the amount of \$141,925.00 to Williams Electric Company of Shelby, North Carolina for the construction of electric distribution lines and metering equipment to serve the new Water Treatment Plant pumping station and backup power generation system located on Grover Street. This funding was previously appropriated by Council in April 2019 via a project budget ordinance. Mr. Howell noted that this project was bid using the informal bidding method. Only one bid was received for this project and due to time constraints, it is recommended that Council proceed with the award. It should also be noted that the project engineer, Progressive Engineering Consultants, Inc., has reviewed the bid along with current market pricing and found it to be fair, reasonable, and in line with what is being seen on other public projects. Progressive Engineering has provided a letter recommending this bid award.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 75-2019 entitled, “A RESOLUTION AWARDDING THE BID FOR DESIGN AND CONSTRUCTION OF DISTRIBUTION LINES AND METERING TO SERVE THE NEW WATER TREATMENT PLANT FACILITY”.

G. New Business: None

H. City Manager’s Report:

- 1) Mr. Howell reminded Mayor and Council to attend the Cleveland Association of Government Officials (CAGO) meeting on December 5, 2019 at 6:30 p.m., LeGrand Center. Responses are due by November 27, 2019.
- 2) Mr. Howell encouraged Mayor and Council to register for the Essentials of Municipal Government course presented in partnership by the North Carolina League of Municipalities (NCLM) and the University of North Carolina (UNC) School of Government, which is offered after each municipal election cycle.
- 3) Mr. Howell also announced that Isothermal Planning and Development Commission is hosting a webinar on December 10, 2019 for the UNC School of Government Ethics course. The course is required for all newly elected officials. It will be held at the Isothermal Regional Commission in Rutherford, North Carolina.

I. Council Announcements and Remarks:

- 1) Mr. Webber congratulated his fellow reelected Council members, David White and David Causby, and congratulated Andrew Hopper on his election to City Council. He also expressed his appreciation to and recognized Dicky Amaya for his public service.
- 2) Mr. White expressed his appreciation to Dicky Amaya and enjoyed serving on City Council with him.
- 3) Mr. Hendrick expressed his appreciation to Dicky Amaya for his public service and lessons taught.
- 4) Mrs. Arth Dukes expressed her appreciation to Dicky Amaya for his public service and his overall helpfulness.

Mrs. Arth Dukes mentioned she had several scheduling conflicts on

December 5, 2019 would not be able to attend the Shelby Police Department's banquet nor the CAGO meeting.

- 5) Mayor Anthony expressed his appreciation to Dicky Amaya for his public service, calling him a model Council member for his diligence and preparation with regard to agendas and meetings.

K. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 7:36 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of November 18, 2019

City of Shelby
Agenda Item Summary
December 2, 2019
City Hall Council Chamber

Agenda Item: E-2

2) Approval of Special Event Permit Applications:

- a. Atrium Health Family Holiday Celebration, requested date: December 12, 2019
- b. Shelby Christmas Parade, requested date: December 15, 2019

(Consent Agenda Item, Staff Resource: Bernadette Parduski, City Clerk)

Summary of Available Information:

- Memorandum dated November 25, 2019 from Bernadette Parduski, City Clerk to Rick Howell, City Manager
- Memorandums from Bernadette A. Parduski, City Clerk to Police Chief Jeff Ledford, Fire Chief William Hunt, Fire Marshal Phil Lane, Parks and Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director Public Works Scott Black, Director of Engineering Services Ben Yarboro, Stormwater/Engineering Coordinator Tyler Brooks and Planning and Development Services Director Walter Scharer
- Special Event Permit Applications

City Manager's Recommendation / Comments

These events are in keeping with special event practices of the City. It is my recommendation that this item be approved by City Council at this time via the Consent Agenda.

Memo

To: Rick Howell, City Manager
From: Bernadette A. Parduski, City Clerk
Date: November 25, 2019
Re: Special Event Permit Applications

BACKGROUND:

Special Event Permit Applications have been submitted for the following:

- ✓ Atrium Health Family Holiday Celebration, requested date: December 12, 2019
- ✓ Shelby Christmas Parade, requested date: December 15, 2019

REVIEW:

All responding City departments have received, reviewed, and approved the referenced application.

RECOMMENDATION:

Please place the attached Special Event Permit Applications on the Consent Agenda of December 2, 2019 for Council's review and approval.

ATTACHMENTS:

- A. Special Event Permit Application packet received November 12, 2019
- B. Special Event Permit Application packet received November 14, 2019

Memo

To: Police Chief Jeff Ledford, Fire Chief William Hunt, Fire Marshal Phil Lane, Parks & Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director of Public Works Scott Black, Director of Engineering Services Ben Yarboro, Stormwater/Engineering Coordinator Tyler Brooks, and Planning and Development Services Director Walt Scharer

From: Bernadette A. Parduski, City Clerk

CC: Rick Howell, City Manager

Date: November 20, 2019

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Kim Marks of Atrium Health Cleveland and Kings Mountain, as follows:

- ✓ Atrium Health Family Holiday Celebration, requested date: December 12, 2019

Please carefully review the details of this application as it pertains to your department, and let me know of any anticipated problems/objections that you would like to bring to the attention of the City Council. If there are none, please let me know that as well. The event will be considered by City Council at the December 2, 2019 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by November 25, 2019, it will be assumed that you are in agreement with the application as presented.

As always, thanks for your attention and consideration.

Attachment

City of Shelby

Special Event Permit

Application Instructions



1. Family Holiday Celebration
Carolinas HealthCare Cleveland
Carolinas HealthCare Kings Mountain

2. Family Holiday Celebration for our Teammates and their Families
Thursday, December 12, 2019
Pavilion
4:30pm – 8:30pm with carriage rides from 5:00pm to 8:30pm
We will have a visit with Santa, Carriage Rides (leaving pavilion, travel up Marion around court square and arriving back at Pavilion)
Shelby Café will caterer event
We will also have possibly have a DJ.

3. Pavilion

4. Teammates/Families will RSVP – can give counts closer to time of event

3 carriages 6 horses

6 horses

Carriages will be loaded at Pavilion. Travel Marion Street to Washington, circle court square, turn left onto Marion and return to Pavilion for unloading. Carriage Rides will be from 5:00pm to 8:30pm

5. Atrium Health Cleveland and Kings Mountain Workforce Relations
Kim Marks
201 East Grover Street
Shelby, NC 28150
980-487-3471

6. Thursday, December 12, 2019
Event – 4:30pm – 8:30pm – carriage rides will be from 5:00pm – 8:30pm
Working with Charlie Holtzclaw/David Fisher on rental and time for set-up

7. Uptown Shelby Association – Tricia Woodlawn will be contacting merchants for us prior to event.

8. City Park Staff will maintain based on rental agreement with the park.
No alcoholic beverages will be served
Shelby Café will cater event.
9. Shelby Café will cater event. No alcohol will be served.
We will have Santa and possibly a DJ.
10. Police Officers will be on duty based on contract with City Park.
Ambulance – 911
Doctor – 911
Paramedics – 911
11. City Park Rental Agreement for Pavilion
12. n/a

The \$20.00 processing via will be mailed.

Kim Marks

Atrium Health Cleveland and Kings Mountain

201 East Grover Street

Shelby, NC 28150

kim.marks@atriumhealth.org

11/12/2019



Form Details:
Form ID: DR1866113 **Status:** Pending Managerial Approval
Request Date: N/A

Requester Information:
First Name: Kimberly **Last Name:** Marks
Telephone: 980-487-3471 **Business Unit #:** 1004
Department: CorpOps HR Workforce Relations **Department #:** J96500

Form Details:
Form Type: BERB - Employee Activity - Business Expense Reimbursement (GL Account 632000)

Event Details:
Date of Event: 12/12/2019
Place of Event: Uptown Shelby **No. of Participants:** 1200
Dept/Group Name: Family Holiday Celebration
Group Restaurant Meal: No
Catering Form Num:
Bus. Purpose of Event: Teammate Engagement
Persons Involved: All Teammates of Atrium Health Cleveland and Kings Mountain

Vendor Details:
Company or Individual: Company
Name: CITY OF SHELBY
Vendor ID: 0000200566
Remit Address #: 4
Address: 300 S WASHINGTON ST
City: SHELBY
State / Zip: NC 28150
Country: United States

Payment Details:
Is this a BU12 Grant / Contract Funded Project? No
Terms: Default to Vendor Terms
Check Delivery Options: Mail - EFT - EDI

Invoice Details:
Invoice Number: 1
Invoice Date: 11/12/2019

Line Item Details:

[Account Search](#) [Payment - Bus Unit Search](#) [Sponsorship Help](#) [Tax Details Help](#) [Physician ID Help](#) [Hours - Temporary Staff Help](#)

Description	Account	Bus Unit	Dept	Physician ID	Hours	Amount
special event permit fee	632000	80	313000			\$ 20.00
Totals:						
Invoice Total						\$ 20.00

File Attachments:

File Name	Added By	Date/Time Added
Shelby North Carolina Division Special Event Application.pdf	Marks, Kimberly Q (KMARKS01)	11/12/2019 09:52 AM

Form Notes: [Add Note](#)
 There are currently no notes on this form. Click 'Add Note' on the top, right portion of this section to add a note.

Signatures and Approvals:

Originator: Marks, Kim - HR Associate 11/12/2019 09:54 AM

Level 9 & Above:
 Level 8 & Above:
 Level 7 & Above:
 Level 6 & Above:
 Level 5 & Above:
 Level 4 & Above:
 Level 3 & Above:
 Level 2 & Above:
 Level 1:
 AP Manager:
 Okay to Pay:



Hospital Carriage Rides

Map Information:
District: MAD 1883
Coordinates: State Plane
North Carolina (NAD83)
Projection: Lambert Conformal Conic
US: National Grid
City of Zoning Designation: (K27D) 175
100,000m Square ID: 181/181

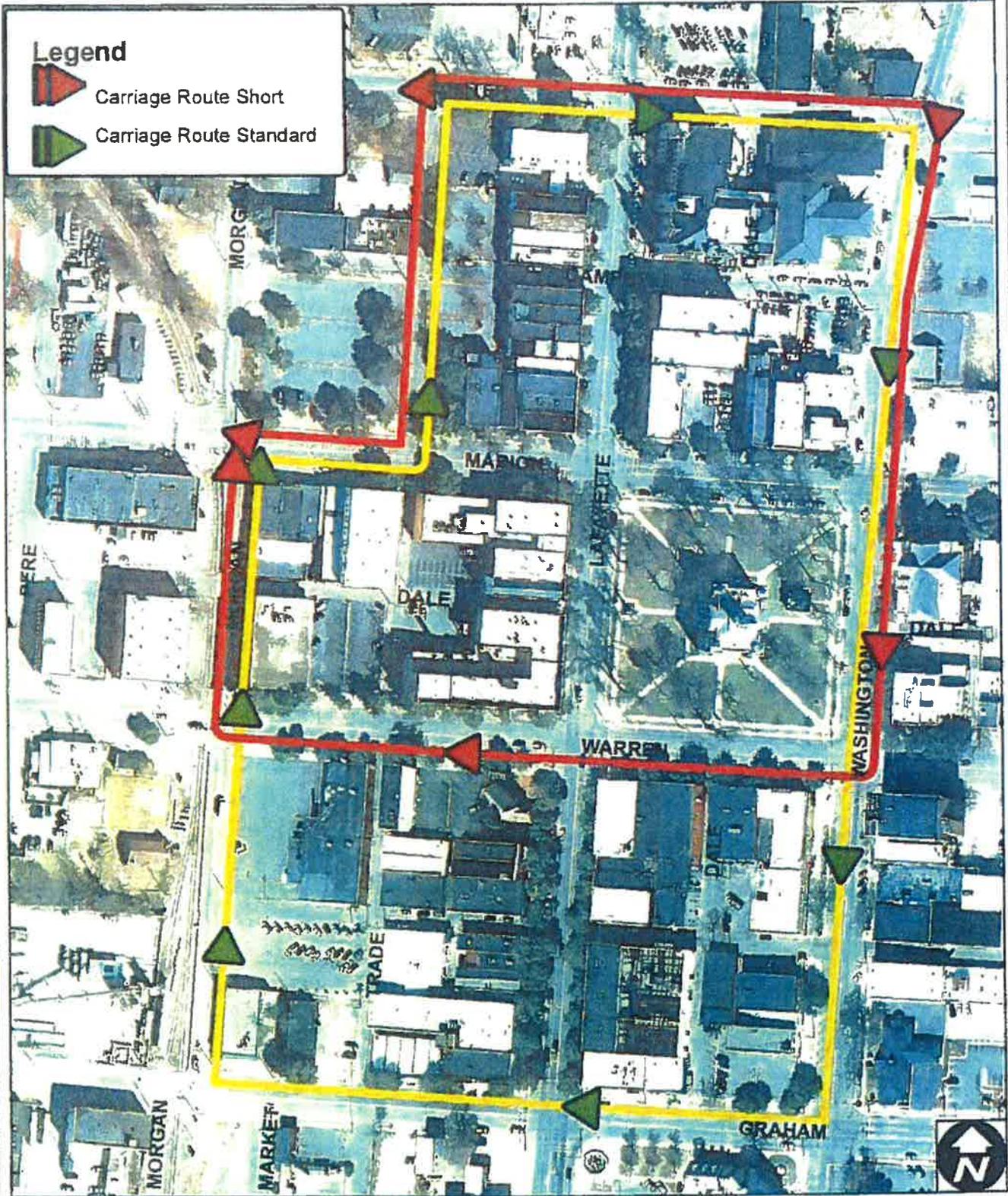
Legend



Carriage Route Short



Carriage Route Standard



Scale 1:2,160 1 in = 180 feet 0 90 180 360 Feet

Date: 11/22/2017

Memo

To: Police Chief Jeff Ledford, Fire Chief William Hunt, Fire Marshal Phil Lane, Parks & Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director of Public Works Scott Black, Director of the Energy Services Julie McMurry, Electric Superintendent Jeff Freeman, Director of Engineering Services Ben Yarboro, Stormwater/Engineering Coordinator Tyler Brooks, and Planning and Development Services Director Walt Scharer

From: Bernadette A. Parduski, City Clerk

CC: Rick Howell, City Manager

Date: November 20, 2019

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Tricia Woodland of Uptown Shelby Association, as follows:

- ✓ Shelby Christmas Parade, requested date: December 15, 2019

Please carefully review the details of this application as it pertains to your department, and let me know of any anticipated problems/objections that you would like to bring to the attention of the City Council. If there are none, please let me know that as well. The event will be considered by City Council at the December 2, 2019 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by November 25, 2019, it will be assumed that you are in agreement with the application as presented.

As always, thanks for your attention and consideration.

Attachment



CITY OF SHELBY
SPECIAL EVENT PERMIT APPLICATION

Each question must be legible and answered clearly and completely. Applications must be filed with the City Clerk not less than thirty (30) days before the date on which the event is to take place. A fee of \$20.00 will be due upon submission of the application form.

1. EVENT NAME: Shelby Christmas Parade

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT: Community Parade to Celebrate the holiday season.

3. LOCATION OF EVENT (ATTACH MAP): Uptown Shelby - see map of line-up locations and route

4. PLEASE INDICATE:
Approximately how many people will attend the event? 2000+

Approximately how many vehicles will be present? 200+

Approximately how many animals will be present? a few horses

If the event is a parade, please indicate the amount of street that will be needed:

Single lane _____

All lanes in travel direction _____

Whole street Lafayette Street - Grover to Grigg St.

Side streets for line-up
Washington, Seaboard, East, Marietta

5. PLEASE LIST THE FOLLOWING PARTY (IES) RESPONSIBLE FOR THE EVENT:

Name: Tricia Woodland
Address: 211 S Trade Street, Shelby, NC 28150
Phones: 704-484-3100 (Daytime) 704-351-2632 (Evening)
E-mail address: twoodland@uptownshelby.com

Name: _____
Address: _____
Phones: _____ (Daytime) _____ (Evening)
E-mail address _____

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s) December 15th 2019
Alternate day(s) and date(s) NO
Requested hours of operation, from 3:00 AM/PM to 5:00 AM/PM
* street closure - 1:30 - 5:30

7. EVENT NOTIFICATION TO RESIDENTS AND BUSINESSES: As an event planner, you are responsible for notifying the neighbors and businesses in the surrounding area of your event. The City requires notifying as many businesses and residents around the event site as possible as early as possible. Please provide your plan of notification at the time you submit your permit application. Social media, email businesses + street signs.

8. SANITATION: Please attach your "Plan for Clean-Up." Please check Application Instruction sheet for details.

Volunteers will walk parade route pick-up loose trash.

9. AVAILABILITY OF FOOD, BEVERAGES, AND/OR ENTERTAINMENT:

If there will be music, sound amplification, or any other noise impact, please describe on attached sheet, including the intended hours of the music, sound, or noise.

Will alcoholic beverages be served? NO

If yes, attach to the application a copy of your permit from the Cleveland County Alcoholic beverage Control Board. Alcohol may not be served without a permit.

Will food and/or no-alcoholic beverages be served? NO Food vendors

If yes, attach to the application a copy of your permit from the Cleveland County Department of Health Services.

10. SECURITY AND SAFETY PROCEDURES: Attach to this application a copy of your building permit(s) if you are installing any electrical wiring on a temporary or permanent basis and/or if you are building any temporary or permanent structures such as bleachers, scaffolding, a grandstand, viewing stands, stages, or platforms.

Attach a copy of your Shelby Fire & Rescue Department Permit or permits to this application if you will use parade floats; an open flame; fireworks; or pyrotechnics; vehicle fuel; cooking facilities; enclosures (and tables within those enclosures); tents; air-supported structures; and/or any fabric shelter.

Give name, address, and phone numbers of the agency or agencies, which will provide first aid staff and equipment. Attach additional sheets if necessary.

Name: 911, USA FA/CPR Certified

Address: _____

Phones: _____

Indicate medical services that will be provided for the event.

AMBULANCE: 911

DOCTOR (S): _____

PARAMEDICS: _____

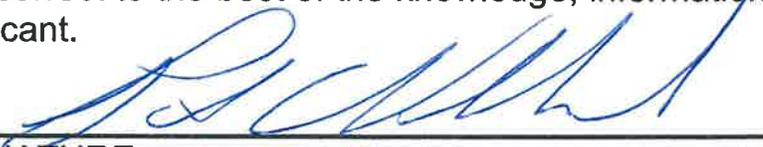
11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:

Road Closure + Barricades, Police support
for end of Parade route.

12. ANY ADDITIONAL COMMENTS:

THE CITY OF SHELBY IS NOT A CO-SPONSOR OF THE EVENT

It is understood and agreed that any permit issued pursuant to this application is issued on the condition that the answers herein given are true and correct to the best of the knowledge, information, and belief of the applicant.


SIGNATURE

Patricia Woodland - Uptown Shelby Assoc 704-351-263
APPLICANT PHONE

211 S Trade Street, Shelby, NC 28150
PHYSICAL ADDRESS

twoodland@uptownshelby.com
E-MAIL ADDRESS

11/19/19
DATE

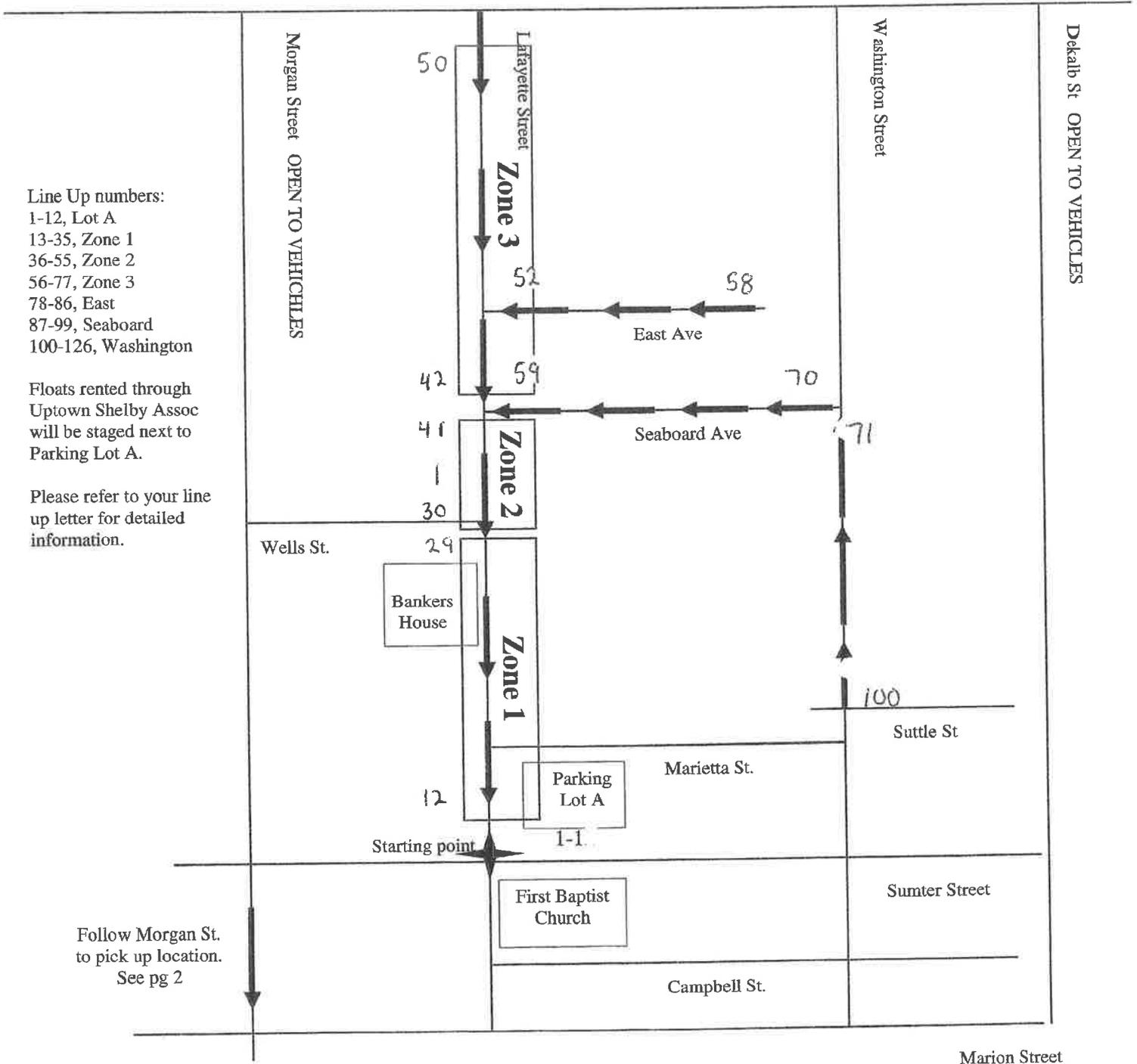
Participant Drop Off Location

If you are printing this out for a group, please write in you LINEUP NUMBER here: _____
 All participants are to be at the designated lineup number by 2:45pm. Please allow ample time to walk to your lineup area.

Please enter Parade Zone from Grover Street. Grover Street can be accessed from either Dekalb or Morgan Streets. Other roads will be closed.

Cleveland Regional Hospital

Grover Street



Line Up numbers:

- 1-12, Lot A
- 13-35, Zone 1
- 36-55, Zone 2
- 56-77, Zone 3
- 78-86, East
- 87-99, Seaboard
- 100-126, Washington

Floats rented through Uptown Shelby Assoc will be staged next to Parking Lot A.

Please refer to your line up letter for detailed information.

Follow Morgan St. to pick up location. See pg 2

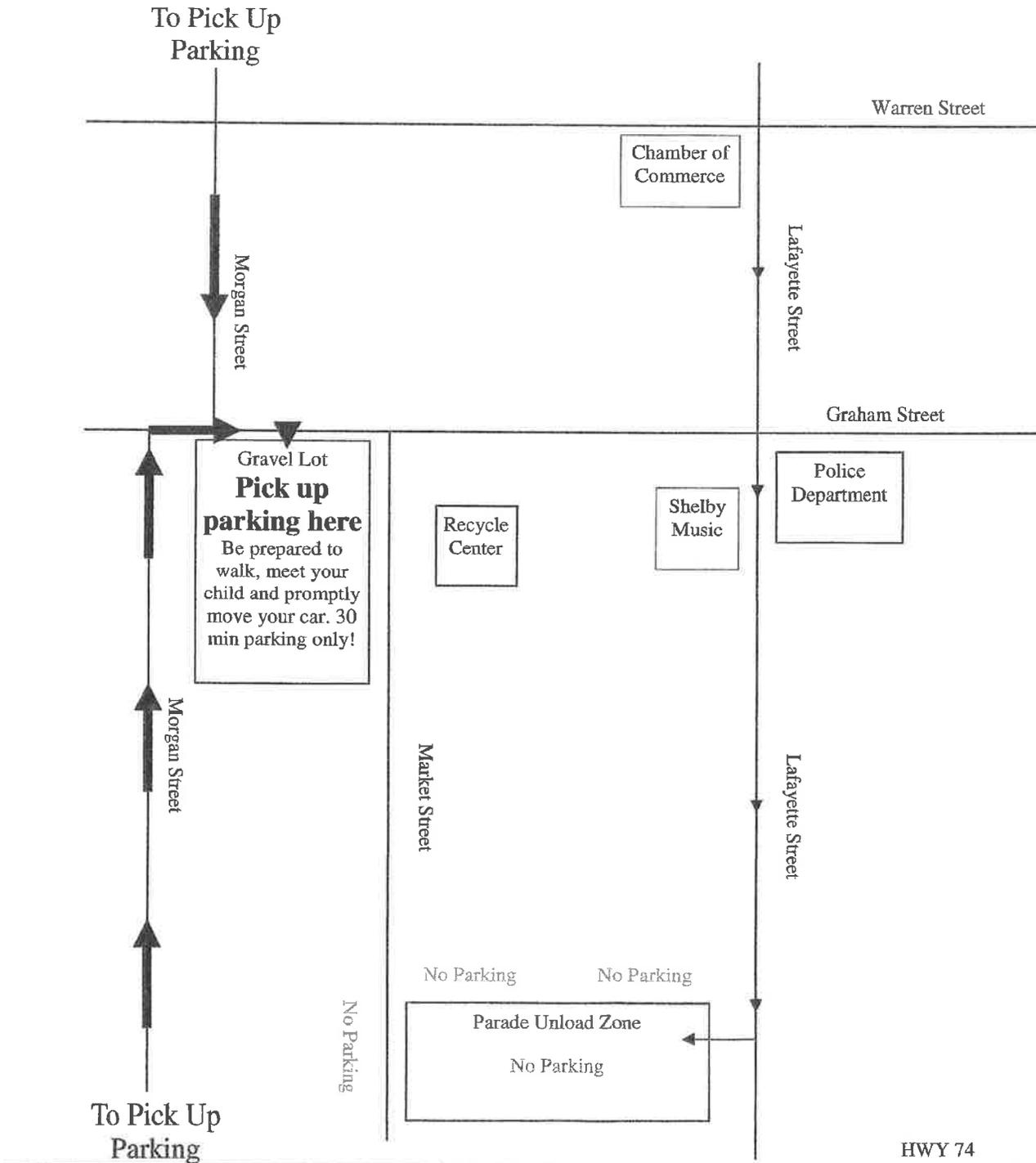
*map is not to scale

Marion Street

Participant Pick Up Location

The Shelby Christmas Parade will travel south on Lafayette Street. At the end of the parade, entries will be routed behind the old movie theatre. At that point, participants will unload Floats and vehicles. Parents who wish to meet their children in the old movie theatre parking lot, can park in the gravel lot on the corner of Market Street and Graham. See map below (not to scale).

There will be a lot of traffic and congestion. Please be prepared to park, walk to meet your child and promptly move your vehicle so that other parents may do the same.



City of Shelby
Agenda Item Summary
December 2, 2019
City Hall Council Chamber

Agenda Item: F-1

Unfinished Business:

- 1) Consideration of Council liaison appointments to City advisory boards

(Staff Resource: Bernadette A. Parduski, City Clerk)

Summary of Available Information:

- Memorandum dated November 25, 2019 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager

City Manager's Recommendation / Comments

This time is scheduled on City Council agenda to allow the Mayor and Council to make liaison assignments to the City volunteer boards and commissions. The only action required is for Council to affirm the assignments shown in the memorandum noted above.

OFFICE OF THE
CITY CLERK



Memo

To: Rick Howell, City Manager
From: Bernadette A. Parduski, City Clerk
Date: November 25, 2019
Re: City Council Liaison Appointments

DUTIES OF A COUNCIL LIAISON

- Per Council's policy established on January 7, 2002, the City Council designates one of its own to serve as a Council Liaison to each City advisory board/commission for a two year term.
- The Council Liaison attends his/her respective board meetings and participates, on a limited basis, but does not vote on any matters presented to the board/commission.
- The Council Liaison does not become involved in administrative issues of the board/commission.
- The Council Liaison may provide verbal reports to the Council on the work of the board/commission.

Previously, City Council liaison appointments for the Term 2017-2019 were as follows:

- Ward 1/Eric Hendrick – Planning and Zoning Board and Keep Shelby Beautiful (KSB) Commission
- Ward 2/David White – Uptown Shelby Association (USA) Board

- Ward 3/David Causby – Alcohol Beverage Control (ABC) Board
- Ward 4/Violet Arth Dukes – Housing and Redevelopment Board
- Ward 5/Charles Webber – Zoning Board of Adjustment and Airport Commission
- Ward 6/Dicky Amaya – Parks and Recreation Board

After the Election of 2019, City Council liaison appointments for the Term 2019-2021 are recommended as follows:

- Ward 1/Eric Hendrick – Parks and Recreation Advisory Board
- Ward 2/David White – Planning and Zoning Board and Keep Shelby Beautiful (KSB) Commission
- Ward 3/David Causby – Uptown Shelby Association (USA) Board
- Ward 4/Violet Arth Dukes – Alcohol Beverage Control (ABC) Board
- Ward 5/Charles Webber – Housing and Redevelopment Board
- Ward 6/Andrew Hopper – Zoning Board of Adjustment and Shelby-Cleveland County Regional Airport Commission

ADDITIONAL BOARDS:

- North Carolina Municipal Power Agency 1 (NCMPA1) Commissioner and Alternate Commissioners – Commissioner City Manager Rick Howell, Alternate 1 Finance Director Justin Merritt, and Alternate 2 Energy Resources Director Julie McMurry
- Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) Board – Member Mayor Stan Anthony and Alternate Member
- Isothermal Planning and Development Commission Board of Directors – City Manager Rick Howell

City of Shelby
Agenda Item Summary
December 2, 2019
City Hall Council Chamber

Agenda Item: G

New Business:

None

Agenda Item: H

City Manager's Reports

Agenda Item: I

Council Announcements and Remarks

J. Adjournment:

To adjourn a meeting of City Council, a majority of the Council members must vote for a motion to adjourn.

- 1) Motion to adjourn